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6714-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request (3064-0072, -0093, -0095, -0117, -0145, -0152 & -0161)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of existing information collections, as required by the Paperwork Reduction Act of 1995. The FDIC recently requested comment for 60 days on proposals to renew the information collections described below. Only one comment was received, as explained below. The FDIC hereby gives notice of its plan to submit to OMB a request to approve the renewal of these information collections, and again invites comment on these renewals.

DATES: Comments must be submitted on or before [INSERT DATE 30 DAYS FROM PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- <http://www.FDIC.gov/regulations/laws/federal/>
- *Email:* comments@fdic.gov Include the name and number of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper, Counsel, (202.898.3877) Room MB-3016 or Manny Cabeza, Counsel, (202.898.3767), MB-3105, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary Kuiper or Manny Cabeza, at the FDIC address above.

SUPPLEMENTARY INFORMATION:

Proposal to revise and renew the following currently-approved collections of information:

1. Title: Acquisition Services Information Requirements.

OMB Number: 3064–0072.

Form Numbers: 3064-1600/04, 1600-07, 3700-57, 3700/04A, 3700/12, 3700/44, 3700/59

Affected Public: Entities contracting with FDIC.

Estimated Number of Respondents: 5,135

Estimated Average Burden per Respondent: .5 hours

Estimated Total Annual Burden Hours: 2,434 hours

General Description of Collection: This is a collection of information involving submission of various forms by contractors doing business with the FDIC.

FDIC Form 3700/59, Fair Inclusion of Minorities and Women, is a contract clause implementing Section 342 (c)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5452). The contract clause seeks a commitment from an FDIC Contractor to ensure, to the maximum extent possible consistent with applicable law, the fair inclusion of minorities and women in its workforce and the workforces of its applicable subcontractors. Further, the clause asserts the FDIC's right to request documentation from the Contractor that demonstrates the Contractor's good faith effort to include minorities and women in its workforce and subcontractors' workforces, and requires the Contractor to annually certify that it has made such good faith efforts.

FDIC Form 3700/04A, Contractor Representations and Certification, must be completed by any offeror that responds to a solicitation for an award over \$100,000. The Form is being revised to add two certifications, "Certification Regarding Fair Inclusion of Minorities and Women" and "Representation by Corporations Regarding an Unpaid Delinquent Federal Tax Liability." The "Certification Regarding Fair Inclusion of Minorities and Women" implements § 342 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5452) and requires an offeror to certify to its commitment to equal opportunity in employment and contracting and that it has made and will continue to make a good faith effort to ensure, to the maximum extent possible,

the fair inclusion of minorities and women in its workforce and in the workforce of its applicable subcontractors. The “Representation by Corporations Regarding an Unpaid Delinquent Federal Tax Liability” implements Section 744 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113–235)), by requiring an offeror to represent whether it is or is not “a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.”

One comment was received regarding this information collection that did not address the propriety of the collection of information, the practical utility of the information requested, or the accuracy of FDIC’s estimate of the burden of the collection of information. The comment addressed policy considerations that FDIC believes are fully embodied in the implementing statutory provisions and the information and certifications requested in the forms included in the collection of information.

2. Title: Notices Required of Government Securities Dealers or Brokers.

OMB Number: 3064–0093.

Form Numbers: G-FIN; G-FINW; G-FIN4; and G-FIN5

Affected Public: Insured state nonmember banks acting as government securities brokers and dealers.

Estimated Number of Respondents: 17

Frequency of Response: On Occasion.

Estimated Average Burden per Respondent: 1 hours

Estimated Total Annual Burden Hours: 17 hours

General Description of Collection: The Government Securities Act of 1986 requires all financial institutions acting as government securities brokers and dealers to notify their Federal regulatory agencies of their broker-dealer activities, unless exempted from the notice requirements by Treasury Department regulation.

3. Title: Procedures for Monitoring Bank Protection Act Compliance.

OMB Number: 3064–0095.

Affected Public: Insured state nonmember banks.

Estimated Number of Respondents: 4,049

Estimated Average Burden per Respondent: .5 hours

Estimated Total Annual Burden Hours: 2,025 hours

General Description of Collection: The collection requires insured state nonmember banks to comply with the Bank Protection Act and to review bank security programs.

4. Title: Mutual Stock Conversion of State Savings Banks.

OMB Number: 3064–0117.

Affected Public: Insured state nonmember banks.

Estimated Number of Respondents: 15

Estimated Average Burden per Respondent: 250 hours

Estimated Total Annual Burden Hours: 3,750 hours

General Description of Collection: State nonmember savings bank must file a notice of intent to convert to stock form, and provide the FDIC with copies of documents filed with state and federal banking and/or securities regulators in connection with any proposed mutual-to-stock conversion.

5. Title: Notice Regarding Unauthorized access to Customer Information.

OMB Number: 3064–0145.

Affected Public: Insured state nonmember banks.

Frequency of Response: On Occasion.

Number of FDIC-Regulated Banks that will Notify Customers: 93

Estimated Time per Response: 29 hours

Estimated Total Annual Burden Hours: 2,697 hours

General Description of Collection: This collection reflects the FDIC's expectations regarding a response program that financial institutions should have, to address unauthorized access to or use of customer information, that could result in substantial harm or inconvenience to a customer. The information collection requires financial institutions to: (1) develop notices to customers; and (2) in certain circumstances, determine which customers should receive the notices, and to send the notices to customers.

6. Title: ID Theft Red Flags.

OMB Number: 3064–0152.

Affected Public: Insured state nonmember banks.

Estimated Number of Respondents: 4,049

Estimated Average Burden per Respondent: 16 hours

Estimated Total Annual Burden Hours: 64,784 hours

General Description of Collection: The regulation containing this information collection requirement is 12 CFR Part 334, which implements sections 114 and 315 of the Fair and Accurate Credit Transactions Act of 2003 (FACT Act), Pub. L. No. 108-159 (2003).

FACT Act Section 114: Section 114 requires the Agencies to jointly propose guidelines for financial institutions and creditors identifying patterns, practices, and specific forms of activity that indicate the possible existence of identity theft. In addition, each financial institution and creditor is required to establish reasonable policies and procedures to address the risk of identity theft that incorporate the guidelines. Credit card and debit card issuers must develop policies and procedures to assess the validity of a request for a change of address under certain circumstances.

The information collections pursuant to section 114 require each financial institution and creditor to create an Identify Theft Prevention Program and report to the board of directors, a committee thereof, or senior management at least annually on compliance with the proposed regulations. In addition, staff must be trained to carry out the program. Each credit and debit card issuer is required to establish policies and procedures to assess the validity of a change of address request. The card issuer must notify the cardholder or use another means to assess the validity of the change of address.

FACT Act Section 315: Section 315 requires the Agencies to issue regulations providing guidance regarding reasonable policies and procedures that a user of consumer reports must employ when such a user receives a notice of address discrepancy from a consumer reporting agencies. Part 334 provides such guidance. Each user of consumer reports must develop reasonable policies and procedures that it will follow when it receives a notice of address discrepancy from a consumer reporting agency. A user of consumer reports must furnish an address that the user has reasonably confirmed to be accurate to the consumer reporting agency from which it receives a notice of address discrepancy.

The Agencies believe that the entities covered by the proposed regulation are already furnishing addresses that they have reasonably confirmed to be accurate to consumer reporting agencies from which they receive a notice of address discrepancy as a usual and customary business practice. Therefore, this requirement is not included in the burden estimates set out below.

7. Title: Furnisher Information Accuracy and Integrity (FACTA 312).

OMB Number: 3064-0161.

Affected Public: State nonmember banks.

Policies and Procedures:

Estimated Number of Respondents: 4,049.

Estimated Burden Per Respondent: 40 hours (24 hours to implement written policies and procedures and training associated with the written policies and procedures; 8 hours to amend procedures for handling complaints received directly from consumers; and, 8 hours to implement the new dispute notice requirements.)

Estimated Annual Burden: 161,960 hours (4,049 x 40 hours).

Frivolous or Irrelevant Dispute Notices:

Number of Frivolous or Irrelevant Dispute Notices: 88,980.

Estimated Burden per Frivolous or Irrelevant Dispute Notice: 14 minutes.

Estimated Annual Burden: 20,762 hours (88,980 x 14 / 60).

Total Estimated Annual Burden: 182,722 hours (161,960 hours for policies and procedures plus 20,762 hours for frivolous and irrelevant dispute notices).

General Description of the Collection: FDIC is required by section 312 of the Fair and Accurate Credit Transactions Act of 2003 (FACT Act) to issue guidelines for use by

furnishers regarding the accuracy and the integrity of the information about consumers that they furnish to consumer reporting agencies, and prescribe regulations requiring furnishers to establish reasonable policies and procedures for implementing guidelines. Section 312 also requires the Agencies to issue regulations identifying the circumstances under which a furnisher must reinvestigate disputes about the accuracy of information contained in a consumer report based on a direct request from a consumer

Request for Comment

Comments are invited on: (a) whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the collections of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 28th day of October, 2015.

Federal Deposit Insurance Corporation

Robert E. Feldman,
Executive Secretary.

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